

Remarks

In the Office Action, dated **November 16, 2004** ("the Action") claims 1-13 and 15-24 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Doiron (US Patent 5,968,197).

Rejections under 35 U.S.C. 102(b):

Claim 1, as previously amended, states:

An apparatus to communicate on a point-to-point communication link, the apparatus comprising:

a data path input unit *to receive a packet on the point-to-point communication link from a transmitting device that does not expect an acknowledgement of a successful or unsuccessful completion for a request transaction; and*

a data path output unit to transmit a message to the transmitting device if the request transaction is unsuccessful.

Emphasis added.

As is well-established, to support a *prima facie* case of anticipation, the Action must show that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. In the present case, Applicants respectfully submit that the reference cited by in the Action fails to support a *prima facie* case of anticipation.

More specifically, Doiron does not expressly or inherently describe the above emphasized elements of claim 1. Dorian describes a sender and a receiver that use an automatic repeat request (ARQ) protocol to include acknowledge (ACK) and negative acknowledge (NAK) signals from the receiver to the sender. The signals are to indicate if a data packet is received correctly (ACK) or incorrectly (NAK). See Column 1 lines 55-67 and Column 2 lines 1-10. Dorian goes on to describe that the sender expects either an ACK or a NAK signal within an

"ACK/NAK transmission timing window..." See Column 2, lines 8-10 and Column 8, lines 28-37.

Since Dorian describes the sender expecting an acknowledgement from the receiver within an ACK/NAK transmission timing window, Dorian does not expressly describe the above emphasized elements of claim 1. Further, because the ACK/NAK transmission timing window stresses the importance to the sender of receiving an acknowledgment, Dorian teaches away from even inherently describing the above emphasized elements of claim 1. Thus, Dorian fails to support a *prima facie* case of anticipation and Applicants request that the 35 U.S.C. § 102(b) rejection of claim 1 be withdrawn.

Independent claims 7, 13 and 18 also include similar elements to the emphasized portions of claim 1. Additionally, claims 2-6, 8-12, 15, 16 and 19-24 depend from one of independent claims 1, 7, 13 and 18. Thus, Applicants request that the 35 U.S.C. § 102(b) rejections of independent claims 7, 13 and 18 and dependent claims 2-6, 8-12, 15, 16 and 19-24 be withdrawn.

Applicants respectfully disagree as to a statement made in the Action in the third paragraph of page 2. In that paragraph, the Examiner stated that the "applicant relies" on features in an embodiment in pages 19 and 20 or figures 12 and 13 of the application. Applicants have made no expressed or implied reliance on these features when differentiating from the art cited in the Action or when differentiating from art cited in any previous Actions for this application.

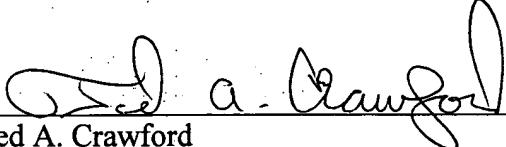
Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1-13 and 15-24 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
Gary Solomon, et al.

Date: 10/13/05

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